



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EMERY MUKENDI WAFANA &  
ASSOCIATES, P.C.,

Plaintiff,

-against-

DANIEL MENGARA

Defendant.

**ORDER**

**20-CV-9788 (VEC) (KHP)**

**KATHARINE H. PARKER, United States Magistrate Judge.**

Pursuant to the case management conference held on September 10, 2021, the Court ordered the following deadlines:

Plaintiffs must provide a letter to the Court by Friday, September 24, 2021 advising whether they will rest on the existing complaint or amend the complaint. Should Plaintiffs decide to amend the complaint, they must provide the amended complaint with the letter and request permission to file it. Plaintiffs are warned that this is the last opportunity to amend the complaint. No further amendments will be permitted. To the extent Plaintiff seeks to serve the Elite Law Firm by alternative means, that motion should be requested after September 24, 2021 when there is clarity on what is the operative complaint.

Defendants have indicated their intent to file a motion to dismiss this action, in lieu of answering the complaint. This motion is due by October 29, 2021, Plaintiff's opposition due by November 30, 2021, and Defendant's reply due by December 17, 2021.

At the conference, Defendants withdrew their motion to interplead without prejudice that was filed at ECF 35. Accordingly, the motion is terminated without prejudice.

The motion for replevin at ECF No. 55 is terminated without prejudice because Plaintiffs failed to comply with Court rules regarding pre-motion conference requests and because such a motion is premature at this point in the case when not all the Defendants have been served and a motion to dismiss is contemplated.

Finally, Defendants will provide clarification regarding Barry Janay's role, if any, in light of his motion for a substitution of counsel and his filing at ECF 35-3, which make it unclear whether he is continuing representation as to any Defendant.

**SO ORDERED.**

Dated: New York, New York  
September 13, 2021



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KATHARINE H. PARKER  
United States Magistrate Judge